

REMARKS

By this Amendment, Applicant proposes to amend claims 6, 7, 25, 27, and 29 and cancel claims 4, 5, 14, 15, and 28. No new matter has been added by this Amendment.

The Advisory Action dated February 28, 2006 states that the Amendment After Final filed on January 17, 2006 would be entered and that the Amendment would overcome the double patenting rejection as well as the rejection under 35 U.S.C. § 112, second paragraph. The Action further states that Applicant's arguments concerning Restle et al.'s lack of a sealing element between the top surface of the window frame and the shade are not persuasive, and thus, the application remains finally rejected. The Examiner suggests that "seals 32 disposed in the back wall 11 of Restle et al. provide the recited function of sealing between the top surface of the window frame and the shade."

Applicant respectfully traverses this characterization of the Restle et al. reference. Restle et al. discloses a window conversion unit 6 that has a frame 7, including a top cross bar 9. The top cross bar 9 includes a back wall 11, top and bottom walls 12 and 13, respectively, and end walls 14, which together form a housing 15. Mounted inside housing 15 is an outer sheet 20. Seals 32 are located in a slot 23 through which the outer sheet 20 exits the top cross bar 9. Thus, seals 32 are at least partially positioned between the back wall 11 of the housing 15 and the outer sheet 20. This is not the same as a sealing element being positioned between a top surface of the window frame and the shade, as required by the pending claims. However, in an effort to further prosecution, Applicant has amended claims 27 and 29.

The Advisory Action states that claims 15 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 27 has been amended to incorporate the subject matter of allowable claim 15 as well as the subject matter of intervening claims 4, 5, and 14. Applicant submits that claim 27 is now in condition for allowance. Dependent claim 29 has been rewritten in independent form, and thus Applicant submits that claim 29 is now in condition for allowance. Claims 4, 5, 14, 15, and 28 have been canceled and dependent claims 6, 7, and 25 have been amended to change their dependency.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 2, 3, 6-13, 16-27 and 29 in condition for allowance. Applicant submits that the proposed amendments of claims 6, 7, 25, 27, and 29 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.


In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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